

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON

MORGAN STANLEY,

Plaintiff,

Case No. 3:19-cv-327

vs.

RICHARD “RIP” HALE,

District Judge Michael J. Newman

Defendant.

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**ORDER DENYING MOTION FOR RECONSIDERATION (Doc. No. 17)**

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This matter is before the Court on Defendant Richard “Rip” Hale’s (“Hale”) motion for reconsideration and attorney’s fees. Doc. No. 17. The Court liberally construes Hale’s motion as a motion to alter or amend a judgment under Fed. R. Civ. P. 59(e), which must be filed within twenty-eight days of judgment. Assuming, *arguendo*, that this Court has jurisdiction, the motion is **DENIED** as untimely.

A Rule 59(e) motion filed outside of the time limit can constitute a Fed. R. Civ. P. 60(b) motion. *See Johnson v. Unknown Dellatifa*, 357 F.3d 539, 542 (6th Cir. 2004). However, Morgan Stanley dismissed the case upon remand to state court, so relief under Rule 60(b) is moot. *See Hale v. Morgan Stanley*, \_\_ F. Supp. 3d \_\_, 2021 WL 5299790, at \*9–11 (S.D. Ohio Nov. 15, 2021). Thus, this case remains **TERMINATED** on the docket.

**IT IS SO ORDERED.**

December 16, 2021

s/Michael J. Newman

Hon. Michael J. Newman  
United States District Judge